

Notice of Allowability

Application No.

10/608,104

Examiner

Robert A. Hopkins

Applicant(s)

LAMPRECHT ET AL.

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1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 6-15-05.
2. ☒ The allowed claim(s) is/are 1-25, 27-32, and 34-51 (renumbered placing dependant claims with respective independent claims).
3. ☒ The drawings filed on 30 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

Claims 1-25,27-32, and 34-51 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 1 is allowable based on applicant's persuasive arguments regarding the Richardson, Jr et al and Newman et al references. Examiner also notes Bryd et al(6203590), which determines filter capacity based on a counter mechanism reaching a predetermined threshold value, however the flow rate of the system of Bryd et al is known based on a position of a vacuum volume control switch(92), and therefore does not need to be measured. Claims 2-15,40,41, 42,46, and 48 depend on claim 1 and hence are also allowed.

Claim 16 is allowable based on applicant's persuasive arguments regarding the Richardson, Jr et al and Newman et al references. Examiner also notes Bryd et al(6203590), which determines filter capacity based on a counter mechanism reaching a predetermined threshold value, however the flow rate of the system of Bryd et al is known based on a position of a vacuum volume control switch(92), and therefore does not need to be measured by a sensor. Claims 17-25,43-45,47,49, and 50 depend on claim 16 and hence are also allowed.

Claim 27 includes subject matter which was indicated as allowable in the previous office action. Claim 28 depends on claim 27 and hence is also allowed.

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Claim 29 includes subject matter which was indicated as allowable in the previous office action.

Claim 30 includes subject matter which was indicated as allowable in the previous office action. Claims 31 and 32 depend on claim 30 and hence are also allowed.

Claim 34 is allowable based on applicant's persuasive arguments regarding the Richardson, Jr et al and Newman et al references. Examiner also notes Bryd et al(6203590), which determines filter capacity based on a counter mechanism reaching a predetermined threshold value, however the memory device is separate from the filtration element(130). Claims 35-38 depend on claim 34 and hence are also allowed.

Claim 39 is allowable based on applicant's persuasive arguments regarding the Richardson, Jr et al and Newman et al references. Examiner also notes Bryd et al(6203590), which determines filter capacity based on a counter mechanism reaching a predetermined threshold value, however the flow rate of the system of Bryd et al is known based on a position of a vacuum volume control switch(92), and therefore does not need to be detected.

Claim 51 recites "a first sensor for generating a first signal indicative of a flow rate of the airflow in a first location, and a controller configured to receive the first signal and to compare the flow rate of the airflow in the first location to at least one threshold to determine an operational state of the system indicative of a desirability for operator intervention". Richardson, Jr et al and Newman et al fail to teach a controller for configured to receive the first signal and to compare the flow rate of the airflow in the

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first location to at least one threshold to determine an operational state of the system indicative of a desirability for operator intervention. Examiner also notes Bryd et al(6203590), which determines filter capacity based on a counter mechanism reaching a predetermined threshold value, however the flow rate of the system of Bryd et al is known based on a position of a vacuum volume control switch(92), and therefore does not need to be detected.

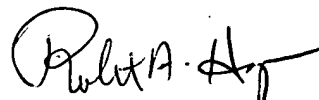
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rah
July 22, 2005


ROBERT A. HOPKINS
PRIMARY EXAMINER
AM.1724